

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

**INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
USA**

(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

**CALIFORNIA OFFICE  
COSTA MESA, CALIFORNIA**

JAMES T. ELLER, JR.  
SCOTT L. LOWE  
D. RICHARD ANDERSON  
PAUL C. LEWIS  
MARK W. MILSTEAD\*  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*  
MARYANNE ARMSTRONG, PH.D.  
KECIA J. REYNOLDS  
ROBERT L. SCOTT, II  
KALPANA REDDY  
LARRY J. HUME

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
CRAIG A. McROBBIE  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
MATTHEW J. LATTIG  
TIMOTHY R. WYCKOFF  
KRISTI L. RUPERT, PH.D.  
HARAY A. SAYADIAN, PH.D.  
MATTHEW T. SHANLEY  
JASON W. RHODES  
CHRISTINA F. ANNICK  
SUSAN W. GORMAN, PH.D.  
DAVID J. CHO

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
TERRY L. CLARK  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
DONALD J. DALEY  
JOHN W. BAILEY  
JOHN A. CASTELLANO  
GARY D. YACURA  
THOMAS S. AUCHTERLONIE  
MARK J. NUEL, PH.D.

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT  
JAMES W. HELLWEGE

\*ADMITTED TO A BAR OTHER THAN VA.

Date: July 10, 2001

Docket No.: 0825-0166P

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a ☒ continuation ☐ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/371,510 filed on August 10,  
1999, the entire contents of which are hereby incorporated by  
reference,  
by

Henrik GAROFF and Peter LILJESTROM

for

DNA EXPRESSION SYSTEMS BASED ON ALPHAVIRUSES

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$710.00	\$355.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	22-20 =	2	x 18= \$36.00	x 9 = \$0.00
INDEPENDENT CLAIMS	5-3 =	2	x 80=\$160.00	x 40 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00	+ \$135.00
TOTAL			\$906.00	\$0.00

3. ☒ A check in the amount of \$906.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/371,510, filed on August 10, 1999, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--
- b. ☒ --This application is a continuation of co-pending Application No. 09/371,510, filed on August 10, 1999, which is a Rule 53(b) continuation of Application No. 08/466,277 filed June 6, 1995, which is a Rule 60 continuation of 07/920,281 filed August 13, 1991, and for which priority is claimed under 35 U.S.C. § 120. Application No. 07/920,281 is the national phase of PCT International Application No. PCT/SE91/00855 filed on December 12, 1991 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application

*Al  
can*

Docket No. 0825-0166P

No. 9003978-5 filed in Sweden on December 13, 1990  
under 35 U.S.C. § 119.--

6. ☒ Enclosed is/are thirty-three (33) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 09/371,510 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Bioption AB.
9. ☒ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 10b. ☒ Priority of International Appln. PCT/SE91/00855 filed on December 12, 1991 under the Patent Cooperation Treaty and Swedish Application No. 9003978-5 filed in Sweden on December 13, 1990 under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
  
**or**  
Customer No. 2292
13. ☒ An extension of time for three (3) month(s) until July 10, 2001 has been submitted in parent Application No. 09/371,510 in order to establish co-pendency with the present application.
14. ☒ Also enclosed herewith is the following:  
  
Substitute Sequence Listing

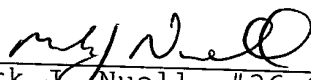
100106-01001

Docket No. 0825-0166P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Mark J. Nuell, #36,623

DRN/las  
0825-0166P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments

(Rev. 01/23/01)

0901106-071001